

REMARKS

Claims 1-46 are all the claims pending in the application.

Applicant thanks the Examiner for the courtesies extended during the teleconference of July 3, 2006, conducted after filing the Notice of Appeal, to discuss the application of Wang et al. (U.S. 2003/0191368 [Wang]). During the interview, it was pointed out that claims 1 and 9 recite:

- 1) *“that said tissue-state image and said tissue-form image are obtained separately,”* and
- 2) *“combining the tissue-state image and the tissue-form image to form a composite-image.”*

Independent claims 18 and 32 recite similar features while using “means” language. In regard to the tissue-state image and the tissue-form image being obtained separately, the Examiner points to paragraph 75 of Wang which recites:

“This image was ratioed with its own moving average image, and multiplied by 100 to produce the percent ratio image. Thresholds on the processed fluorescence images taken at 60%, 75%, and 90% were used to determine the contour lines which define regions of mucosa with various likelihoods of containing dysplasia. The contours were then filled in pseudocolor to highlight areas of tissue to be targeted for biopsy. The pseudocolors red, green and blue designate regions on the white light image which have high, medium and low probability, respectively. The polyp was found to be adenomatous on histology.”

The Examiner relies on the disclosure of “contour lines” to represent a tissue form, and then relies on the “filled in” areas to represent the tissue state. To expedite prosecution, claims 1, 9, 18 and 32 are amended to recite that said tissue-state image and said tissue-form image are initially separate images. For example, the exemplary, non-limiting embodiment of present Figure 4 shows a tissue-state image forming means 131 that provides the tissue-state image; and a tissue-form image forming means 132 that provides the tissue-form image. Thus, the tissue state image is originally separate from the tissue-form image. The application of Wang does not disclose this feature because the alleged image formed by the contour lines and the filled in areas

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of Wang are not disclosed as being separate, but instead are provided together to form a final image, such that the rejection of claims 1, 9, 18 and 32 should be withdrawn. The rejection of the dependent claims should likewise be withdrawn for reasons similar to those submitted in the Response filed on May 3, 2006.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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